

106TH CONGRESS
1ST SESSION

H. R. 1622

To prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1999

Mr. KLECZKA introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dog and Cat Protec-
5 tion Act of 1999”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) An estimated 2,000,000 dogs and cats are
5 slaughtered and sold annually as part of the inter-
6 national fur trade. Internationally, dog and cat fur
7 is used in a wide variety of products, including fur
8 coats and jackets, fur-trimmed garments, hats,
9 gloves, decorative accessories, stuffed animals, and
10 other toys.

11 (2) There is no known dog or cat fur produc-
12 tion within the United States.

13 (3) As demonstrated by forensic tests, dog and
14 cat fur products are being imported into the United
15 States, in some cases with deceptive labeling to con-
16 ceal the use of dog or cat fur.

17 (4) Dog and cat fur, when dyed, is not easily
18 distinguishable to persons who are not experts from
19 other furs such as fox, rabbit, coyote, wolf, and
20 mink. Dog and cat fur is generally less expensive
21 than other types of fur and may be used as a sub-
22 stitute for more expensive types of furs.

23 (5) Foreign fur producers use dogs and cats
24 bred for their fur, and also use strays and stolen
25 pets.

1 (6) The methods of housing, transporting, and
2 slaughtering dogs and cats in foreign countries for
3 fur production are generally unregulated and inhu-
4 mane. The animals are often held in cramped and
5 unsanitary quarters without adequate heat, food, or
6 water. Slaughter methods include hanging, drown-
7 ing, strangulation, and bleeding to death.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to prohibit imports of dog and cat fur prod-
10 ucts and to ensure that the United States market
11 does not encourage the slaughter of dogs or cats for
12 their fur;

13 (2) to prohibit the sale, manufacture, offer for
14 sale, transportation, and distribution in the United
15 States of dog and cat fur products; and

16 (3) to require accurate labeling of fur species so
17 that consumers in the United States can make in-
18 formed choices.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) DOG FUR.—The term “dog fur” means the
22 pelt or skin of any animal of the species *canis*
23 *familiaris*.

24 (2) CAT FUR.—The term “cat fur” means the
25 pelt or skin of any animal of the species *felis catus*.

1 (3) UNITED STATES.—The term “United
2 States” means the customs territory of the United
3 States, as defined in general note 2 of the Har-
4 monized Tariff Schedule of the United States.

5 (4) COMMERCE.—The term “commerce” means
6 transportation for sale, trade, or use between any
7 State, territory, or possession of the United States,
8 or the District of Columbia, and any place outside
9 thereof.

10 (5) DOG OR CAT FUR PRODUCT.—The term
11 “dog or cat fur product” means any item of mer-
12 chandise which consists, or is composed in whole or
13 in part, of any dog fur, cat fur, or both.

14 (6) PERSON.—The term “person” includes any
15 individual, partnership, corporation, association, or-
16 ganization, business trust, government entity, or
17 other entity.

18 (7) INTERESTED PARTY.—The term “interested
19 party” means any person having a contractual, fi-
20 nancial, humane, or other interest.

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of the Treasury.

23 (9) DULY AUTHORIZED OFFICER.—The term
24 “duly authorized officer” means any United States
25 Customs officer, any agent of the Federal Bureau of

1 Investigation, or any agent or other person author-
2 ized by law or designated by the Secretary to enforce
3 the provisions of this Act.

4 **SEC. 4. PROHIBITIONS.**

5 (a) IMPORTS.—No dog or cat fur product may be im-
6 ported into the United States.

7 (b) PROHIBITION ON MANUFACTURE, SALE, AND
8 OTHER ACTIVITIES.—No person in the United States or
9 subject to the jurisdiction of the United States may intro-
10 duce into commerce, manufacture for introduction into
11 commerce, sell, trade, or advertise in commerce, offer to
12 sell, or transport or distribute in commerce, any dog or
13 cat fur product.

14 **SEC. 5. LABELING.**

15 Section 2(d) of the Fur Products Labeling Act (15
16 U.S.C. 69(d)) is amended by striking “; except that such
17 term shall not include such articles as the Commission
18 shall exempt by reason of the relatively small quantity or
19 value of the fur or used fur contained therein”.

20 **SEC. 6. ENFORCEMENT.**

21 (a) IN GENERAL.—The Secretary, either independ-
22 ently or in cooperation with the States, political subdivi-
23 sions thereof, and interested parties, is authorized to carry
24 out operations and measures to eradicate and prevent the
25 activities prohibited by section 4.

1 (b) INSPECTIONS.—A duly authorized officer may,
2 upon his own initiative or upon the request of any inter-
3 ested party, detain for inspection and inspect any product,
4 package, crate, or other container, including its contents,
5 and all accompanying documents to determine compliance
6 with this Act.

7 (c) SEIZURES AND ARRESTS.—If a duly authorized
8 officer has reasonable cause to believe that there has been
9 a violation of this Act or any regulation issued under this
10 Act, such officer may search and seize, with or without
11 a warrant, the item suspected of being the subject of the
12 violation, and may arrest the owner of record of the item.
13 An item so seized shall be held by any person authorized
14 by the Secretary pending disposition of civil or criminal
15 proceedings.

16 (d) BURDEN OF PROOF.—The burden of proof shall
17 lie with the owner of record described in subsection (c)
18 to establish that the item seized is not a dog or cat fur
19 product subject to forfeiture and civil penalty under sec-
20 tion 7.

21 (e) ACTION BY U.S. ATTORNEY.—Upon presentation
22 by a duly authorized officer or any interested party of
23 credible evidence that a violation of this Act or any regula-
24 tion issued under this Act has occurred, the United States
25 Attorney with jurisdiction over the suspected violation

1 shall investigate the matter and shall take appropriate ac-
2 tion under this Act.

3 (f) CITIZEN SUITS.—Any person may commence a
4 civil suit to compel the Secretary to implement and enforce
5 this Act, or to enjoin any person from taking action in
6 violation of any provision of this Act or any regulation
7 issued under this Act.

8 (g) REWARD.—The Secretary may pay a reward to
9 any person who furnishes information which leads to an
10 arrest, criminal conviction, civil penalty assessment, or
11 forfeiture of property for any violation of this Act or any
12 regulation issued under this Act.

13 (h) REGULATIONS.—

14 (1) IN GENERAL.—The Secretary shall issue
15 final regulations, after notice and opportunity for
16 public comment, to implement this Act within 180
17 days after the date of enactment of this Act.

18 (2) FEES.—The Secretary may charge reason-
19 able fees for expenses to the Government connected
20 with permits or certificates authorized by this Act,
21 including expenses for—

22 (A) processing applications;

23 (B) reasonable inspections; and

1 (C) the transfer, handling, or storage of
2 evidentiary items seized and forfeited under this
3 Act.

4 All fees collected pursuant to this paragraph shall be
5 deposited in the Treasury in an account specifically
6 designated for enforcement of this Act and available
7 only for that purpose.

8 **SEC. 7. PENALTIES.**

9 (a) CIVIL PENALTY.—Any person who violates any
10 provision of this Act or any regulation issued under this
11 Act may be assessed a civil penalty of not more than
12 \$25,000 for each violation.

13 (b) CRIMINAL PENALTY.—Any person who knowingly
14 violates any provision of this Act or any regulation issued
15 under this Act shall, upon conviction for each violation,
16 be imprisoned for not more than 1 year, fined in accord-
17 ance with title 18, United States Code, or both.

18 (c) FORFEITURE.—Any dog or cat fur product that
19 is the subject of a violation of this Act or any regulation
20 issued under this Act shall be subject to seizure and for-
21 feiture to the same extent as any merchandise imported
22 in violation of the customs laws.

23 (d) INJUNCTION.—Any person who violates any pro-
24 vision of this Act or any regulation issued under this Act
25 may be enjoined from further sales of any fur products.

1 (e) APPLICABILITY.—The penalties in this section
2 apply to violations occurring on or after the date of enact-
3 ment of this Act.

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